

MESSAGE NO: 3024206

MESSAGE DATE: 01/24/2003

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: SCO-Scope

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-504

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 12/12/2002 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: SCOPE RULING ON CANDLES FROM CHINA (A-570-504)

MESSAGE NO: 3024206

DATE: 01 24 2003

CATEGORY: ADA

TYPE: SCO

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 504

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PERIOD COVERED: 12 12 2002 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: SCOPE RULING ON CANDLES FROM CHINA (A-570-504)

1. ON DECEMBER 12, 2002, IN RESPONSE TO A REQUEST BY LEADER LIGHT, LTD. (LEADER LIGHT), THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT LEADER LIGHT'S PALM OIL/PETROLEUM WAX PILLAR CANDLES (ITEM NOS. C-2065, C-2066, C-2067, C-2068, C-2069, C-0192, C-0194, C-0196, C-0197, C-0202, C-0203, C-3076-0-A AND C-3076-0-B, C-3077-0-A AND C-3077-0-B, C-3078-0-A AND C-3078-0-B),

PALM OIL/PETROLEUM WAX PILLAR CERAMIC DUCK CANDLE

(ITEM NO. C-3045-1), PALM OIL/PETROLEUM WAX "RUSTIC" CANDLES

(ITEM NOS. C-3340-0-A AND C-3340-0-B) PALM OIL/PETROLEUM WAX "SMOOTH" CANDLE (ITEM NO. C-3776-0 PALM OIL/PETROLEUM WAX "TIN BOX" CANDLES (ITEM NOS. C-2502-0-A, C-2502-0-B, C-2502-0-C, C-2502-0-D, C-2502-0-E, C-2502-0-F, C-2502-0-G, C-2502-0-H, C-2503-0-A, C-2503-0-B, C-2503-0-C, C-2503-0-D, C-2503-0-E, C-2503-0-F, C-2503-0-G, C-2503-0-H, C-2505-0-A, C-2505-0-B, C-2505-0-C, C-2505-0-D, C-2505-0-E, C-2505-0-F, C-2505-0-G, AND C-2505-0-H) AND "MERRY CHRISTMAS" MUSICAL CANDLES (ITEM NOS. C-0553-A AND C-0553-B) ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504).

2. THE COMMERCE DEPARTMENT FOUND SUFFICIENT EVIDENCE ON THE RECORD TO ESTABLISH THAT LEADER LIGHT'S PALM OIL/PETROLEUM WAX PILLAR CANDLES (ITEM NOS. C-2065, C-2066, C-2067, C-2068, C-2069, C-0192, C-0194, C-0196, C-0197, C-0202, C-0203, C-3076-0-A AND C-3076-0-B, C-3077-0-A AND C-3077-0-B, C-3078-0-A AND C-3078-0-B), PALM OIL/PETROLEUM WAX PILLAR CERAMIC DUCK CANDLE (ITEM NO. C-3045-1), PALM OIL/PETROLEUM WAX "RUSTIC" CANDLES (ITEM NOS. C-3340-0-A AND C-3340-0-B) PALM OIL/PETROLEUM WAX "SMOOTH" CANDLE (ITEM NO. C-3776-0) AND PALM OIL/PETROLEUM WAX "TIN BOX" CANDLES (ITEM NOS. C-2502-0-A, C-2502-0-B, C-2502-0-C, C-2502-0-D, C-2502-0-E, C-2502-0-F, C-2502-0-G, C-2502-0-H, C-2503-0-A, C-2503-0-B, C-2503-0-C, C-2503-0-D, C-2503-0-E, C-2503-0-F, C-2503-0-G, C-2503-0-H, C-2505-0-A, C-2505-0-B, C-2505-0-C, C-2505-0-D, C-2505-0-E, C-2505-0-F, C-2505-0-G, AND C-2505-0-H) SHOULD BE EXCLUDED BECAUSE OF THEIR PALM OIL CONTENT. ADDITIONALLY, THE COMMERCE DEPARTMENT DETERMINED THAT LEADER LIGHT'S "MERRY CHRISTMAS" MUSICAL CANDLES (ITEM NOS. C-0553-A AND C-0553-B) ARE IN SHAPES OF IDENTIFIABLE OBJECTS AND, THUS, COVERED BY THE DEPARTMENT'S JULY 1987 NOVELTY CANDLE EXCEPTION. THESE CANDLES THEREFORE, ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE

PEOPLE'S REPUBLIC OF CHINA.

3. EFFECTIVE DECEMBER 12, 2002, TERMINATE SUSPENSION OF LIQUIDATION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, FOR CANDLES AS LISTED IN PARAGRAPH 1.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO CANDLES LISTED IN PARAGRAPH 1.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDER

PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. CONTINUE TO SUSPEND LIQUIDATION OF ALL OTHER ENTRIES OF PETROLEUM WAX CANDLES SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

7. WITH RESPECT TO LEADER LIGHT'S PALM OIL/PETROLEUM WAX CANDLES LISTED ABOVE IN PARAGRAPH 2, THE COMMERCE DEPARTMENT NOTES THAT THE TEST RESULTS SUBMITTED BY LEADER LIGHT FROM AN INDEPENDENT TESTING FACILITY INDICATE THAT THE MAJORITY WAX COMPONENT FOR THESE CANDLES IS NOT PETROLEUM WAX. HOWEVER, THE COMMERCE DEPARTMENT NOTES THAT THE AFOREMENTIONED TEST RESULTS MAY NOT BE

DISPOSITIVE OF THE EXACT COMPOSITION OF CANDLES OF THIS ITEM NUMBER WHEN SUCH CANDLES ARE PRESENTED AT A FUTURE TIME FOR ENTRY

AT ONE OF THE SEVERAL U.S. CUSTOMS PORTS OF ENTRY. THEREFORE,
THE COMMERCE DEPARTMENT ENCOURAGES CUSTOMS TO CONTINUE
FOLLOWING

U.S. CUSTOMS TESTING PROCEDURES PREVIOUSLY IN PLACE FOR IMPORTS
OF PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

8. WHILE THE COMMERCE DEPARTMENT HAS DETERMINED THAT LEADER
LIGHT'S PALM OIL/PETROLEUM WAX CANDLES (AS LISTED IN PARAGRAPH 2)
ARE OUTSIDE THE SCOPE OF THIS ANTIDUMPING DUTY ORDER BECAUSE
THEIR PETROLEUM-BASED CONTENT IS LESS THAN 50 PERCENT, THE
DEPARTMENT'S DETERMINATION WITH RESPECT TO LEADER LIGHT'S SCOPE
INQUIRY IS BASED ON THE PALM OIL CONTENT OF LEADER LIGHT'S
CANDLES, WHICH IS GREATER THAN 50 PERCENT FOR CANDLES AS LISTED
IN PARAGRAPH 2. FURTHER, THE COMMERCE DEPARTMENT WILL CONTINUE
TO EXAMINE SCOPE INQUIRIES REGARDING CANDLES CONTAINING LESS THAN
50 PERCENT PETROLEUM-BASED CONTENT BY REVIEWING TEST RESULTS
SUBMITTED DOCUMENTING THE EXACT COMPOSITION OF A CANDLE'S WAX
CONTENT.

9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS
OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE
SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE
ATTRIBUTE "HQ OAB." IMPORTING PUBLIC AND INTERESTED PARTIES
SHOULD CONTACT JULIO A. FERNANDEZ AT 202-482-0961, AD/CVD
ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE
ADMINISTRATION, DEPARTMENT OF COMMERCE.

10. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS
INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party